

REMARKS

Claims 1-43 were examined. Applicant has amended claim 43. No new matter has been introduced.

Rejections under 35 USC §112

Claims 43 stands rejected under §112, second paragraph, as being indefinite.

Claim 43 has been amended to remove the limitation of “by hand” and “known in the art.”

Rejections under 35 USC §103

Claims 1-7, 15-24, 26-29, 31-40 and 42-43 stand rejected under 35 USC §103(a) as obvious over Knowlton (6,350,276) in view of Dressel (US 4,985,027), and Bender (US 1,023,358).

The Applicant thanks the Examiner for acknowledging that the Applicant's arguments in the Response of August 17, 2009 as persuasive and withdrawing the rejection. As the Examiner acknowledged, “Knowlton does not specify that the pre-positioning is to reduce skin tension of the treatment site.”

The Examiner cited Bender as teaching “another aesthetic pre-positioning to reduce skin tension of the treatment site for the purpose of removing defects.” The applicant respectfully disagrees. Bender discloses that “through the medium of the two tapes 6, 6' and by means of the hook-and-eye attachments 9-10 **a tension may be exerted upon the chin** and those parts thereunder where so-called ‘double-chins’ occur” (col. 2, lines 73-77, emphasis added). Thus, Bender actually teaches away from “pre-positioning to reduce skin tension of the treatment site” as it discloses exerting tension on the skin of the treatment site instead of reducing the skin tension. In addition, it would be physically impossible to combine the pre-positioning via face mask with the treatment disclosed by Knowlton since Knowlton cannot treat skin through a mask.

The Applicant further maintains, for the reasons previously made of record in the Response of August 17, 2009, that Knowlton also does not disclose at least the following limitations of: pre-positioning tissue at the site of treatment into an aesthetically corrected configuration; wherein pre-positioning of the selected tissues ... create a directed wound healing response so as to create or facilitate the shaping of a thermal lesion; securing tissue in the aesthetically corrected configuration by producing a thermal adhesion or lesion at the tissue site (claims 1, 30, and 39); producing a plurality of thermal adhesions at the tissue site, wherein the plurality of adhesions is substantially continuous or uniform in thickness or other dimension

(claims 31 and 38); positioning tissue at the tissue site into an aesthetically corrected configuration after the delivery of energy (claims 40-42). Neither Dressel nor Bender discloses these elements either.

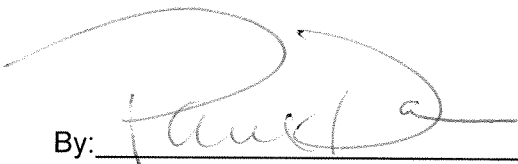
Thus, neither Knowlton nor Dressel or Bender or in combination can anticipate independent claims 1, 30, 31, and 38-42 or render them obvious. Since the rest of the claims depend on claim 1, they are also allowable at least for depending from an allowable base claim. The Applicant respectfully requests all rejections with respect to these claims be withdrawn.

CONCLUSION

Applicant believes that the application is in condition for allowance. Should there be any further issues outstanding, the Examiner is invited to contact the undersigned at the number provided below. The Commissioner is authorized to charge Deposit Account **50-4634** referencing Attorney Docket No. **KNW-0018 (123913-183031)** for any payment due in connection with this paper, including petition fees and extension of time fees.

Respectfully submitted,

Date: 1-8-10

By: 
Paul Davis, Reg. No. 29,294

GOODWIN PROCTER LLP
135 Commonwealth Drive
Menlo Park, California 94025
Telephone: 1.650.752-3129
Facsimile: 1.650.853.1038
Customer No. 77845